

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

LABORERS' LOCAL UNION NOS. 472 &
172 and LABORERS' LOCAL UNION
NOS. 472 & 172 WELFARE AND
PENSION FUNDS AND SAFETY,
EDUCATION AND TRAINING FUNDS;
ZAZZALI, FAGELLA & NOWAK,
KLEINBAUM & FRIEDMAN, P.A.,

Petitioners,

v.

S. BATATA CONSTRUCTION, INC.,

Respondent.

Civ. No. 13-1401

OPINION

THOMPSON, U.S.D.J.

This matter has come before the Court on a Motion to Confirm the Arbitration Award brought by Petitioners Laborers' Local Union Nos. 472 & 172 ("Laborers' Local Union"), Laborers' Local Union Nos. 472 & 172 Welfare and Pension Funds and Safety, Education, and Training Funds ("Funds"), and Zazzali, Nowak, Kleinbaum & Friedman ("Zazzali"), (collectively, "Petitioners"). (Docket Entry No. 2). This motion is not opposed by Respondent S. Batata Construction, Inc. ("Respondent"). The Court has decided this matter after considering the parties' written submissions and without holding oral argument pursuant to Federal Rule of Civil Procedure 78(b).

Upon review of the evidence presented, this Court finds that Respondent is bound by a collective bargaining agreement with Laborers' Local Union. (*Id.* at ¶ 2). The agreement provides for the submission to arbitration of any controversies concerning delinquent payments to the Laborers' Local Union Nos. 472 & 172 Benefit Funds. (*Id.* at ¶ 3). In accordance with

these terms, this dispute was submitted to the Arbitrator J.J. Pierson (“Arbitrator Pierson”). (*Id.* at ¶ 4). Following a hearing held on December 27, 2012, and with proper notice to all parties, Arbitrator Pierson entered an award, in writing, dated December 27, 2012. (*Id.* Ex. B). Arbitrator Pierson’s opinion indicates that Respondent was delinquent in making required contributions to the Funds between October 1, 2012 and October 31, 2012. (*Id.* at ¶ 1).

Pursuant to 9 U.S.C. § 9, this Court has jurisdiction to enforce the awards of arbitrators. Having considered the written submissions of Petitioners in light of Respondent’s failure to oppose the motion, and for good cause shown, the Court grants Petitioners’ Motion to Confirm the Arbitration Award. An appropriate order accompanies this opinion.

/s/ Anne E. Thompson
ANNE E. THOMPSON, U.S.D.J.

Date: March 28, 2013